

# United States District Court

## WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

V.

## ORDER OF DETENTION PENDING TRIAL

LAGERAL JERMAINE RIMPSONCase Number: 1:11-CR-04

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

### Part I - Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
- ☐ a crime of violence as defined in 18 U.S.C. §3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which the maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

### Alternate Findings (A)

- ☒ (1) There is probable cause to believe that the defendant has committed an offense
- ☒ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 801 et seq
- ☐ under 18 U.S.C. §924(c).
- ☒ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

### Alternate Findings (B)

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Only 21 years old, defendant has a number of adult offenses. Unfortunately, his probation has been revoked on four separate occasions over the past several years. In the fourth instance, a bench warrant was issued when he stopped reporting to the probation office and failed to participate in several programs required, and also engaged in assaultive, abusive and/or threatening behavior. Approximately 5 months after being on absconder status, he was arrested for fleeing a police officer, 3rd degree, and sentenced to the county jail for 210 days. During the following year, he was convicted on separate occasions with operating a motor vehicle while his license was suspended (continued on attachment)

### Part II - Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that

no condition or combination of conditions will assure the presence of the defendant for future court proceedings or the safety of the community, based upon the un rebutted presumption. The presumption is not rebutted merely because defendant has life-long ties to the community, particularly where the presence in the community has led to nothing but a string of convictions. Even absent the presumption, however, the government has established (continued on attachment)

### Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: January 14, 2011/s/ Hugh W. Brenneman, Jr.*Signature of Judicial Officer*Hugh W. Brenneman, United States Magistrate Judge*Name and Title of Judicial Officer*

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**Alternate Findings (B) - (continued)**

(and once for the use of cocaine). Defendant has lived in the community his entire life. He is unemployed, receives food stamps, and is in arrears on his child support. His money appears to have been used to support his daily marijuana use for the past four years and his weekly cocaine use for the past three years.

**Part II - Written Statement of Reasons for Detention - (continued)**

by a preponderance of the evidence that there is no condition or combination of conditions that will assure defendant's presence for future court proceedings in light of his repeated failures under similar situations in the past to abide by his probation requirements, and in particular because he absconded for five months.